REMARKS

In the above referenced office action, the claims were rejected under 35 USC 102(a) over Silvian in view of Peterson et al. in view of a 2006 TI Data sheet that is not prior art to the present application (addition references were cited for other claims). Applicant respectfully traverses.

As specifically pointed out in the previous response, the presently claimed invention patentably distinguishes over the prior art because in one embodiment, a motor controller DSP chip has been configured to modulate different telemetry signals from various IMDs (as well as from various manufacturers IMDs). In another embodiment, the claims patentably distinguish over the prior art because the modulation circuit has been optimally configured with a single chip DSP.

The Silvian reference does not teach the use of a motor controller DSP, does not teach providing the modulation function on a single chip DSP, and in fact has a relatively complex circuit to control telemetry.

Peterson et al. does NOT teach the use of a motor controller DSP, let alone the use of such a chip to modulate telemetry and similarly does not teach the use of a single chip DSP for telemetry modulation. What Peterson does teach is the use of digital signal processing to discriminate atrial fibrillation signals from the heart. As an example, the reference cited the use of a TI TMS320 DSP platform. The Examiner then makes the leap that this somehow means the "TMS320C242" which is a motor controller in that DSP platform family, as cited in the 2006 data sheet. Again, Peterson et al. does not teach the use of a DSP motor controller. Peterson et al. does not teach the use of a DSP motor controller to modulate telemetry signals.

The rejection is completely unsupportable and must be withdrawn.

Even if these references were combined, the result would be that the Silvian device would include a DSP to help discriminate atrial fibrillation. There is no teaching, suggestion, motivation, or even a hint that a motor controller DSP could be configured to modulate telemetry signals received from IMD and there is

similarly a lack of any teaching whatsoever in any reference of a single chip DSP used for telemetry signal modulation. The Examiner has simply taken a references that has a complex telemetry circuit and combined it with a references that uses a DSP chip for AF discrimination and then concluded without support that this DSP chip would be a motor controller (it is not), that it would be used in a telemetry circuit (it is not), that it would be the single chip modulation circuit (it is not), and cited a 2006 data sheet that clearly states that the DSP family includes a motor controller, but not that the chip used in Peterson et al. is a motor controller.

Applicant respectfully requests withdrawal of the rejection and withdrawal of the finality. Should the Examiner choose to maintain this rejection Applicant respectfully requests a detailed explanation as to how the Examiner is reading these references to arrive at the claimed invention, since no aspect of the claimed invention is addressed by the combination of references under any reasonable reading by Applicant.

Finally, the Examiner asserts that Applicant failed to address the objections to the specification. Applicant did in fact address that issue in the previous response and those remarks are incorporated by reference herein.

Applicant respectfully asserts that the present application is in condition for allowance and requests notice of the same. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: November 2, 2006

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